

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-153596-001 DT

02/23/2015

HONORABLE MICHAEL W. KEMP

CLERK OF THE COURT
I. Huerta
Deputy

STATE OF ARIZONA

JAY ROBERT RADEMACHER
JOHN NELSON SCHNEIDER

v.

DAVID GERALD WALKER (001)

JASON TYLER GRONSKI

APO-PLEAS-CCC

TRIAL MINUTE ENTRY
DAY 17

Courtroom CCB 1304

10:37 a.m. Trial to a jury continues from 02/19/2015. The State is represented by Deputy County Attorney, Jay Rademacher. The defendant is represented by Defense Counsel, Jason Gronski.

Court Reporter, Scott Coniam, is present.

A record of the proceeding is also made by audio and/or videotape.

The defendant's presence is waived for this portion of trial only.

The jury panel is not present.

The State is alleging aggravating circumstances.

The Aggravating Circumstances Instructions and verdict forms are discussed.

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10:39 a.m. LET THE RECORD REFLECT the defendant is present in the courtroom.

The Aggravating Circumstances Instructions and verdict forms are settled and prepared.

10:43 a.m. Court stands at recess.

11:04 a.m. Court reconvenes with respective counsel and defendant present.

Court Reporter, Scott Coniam, is present.

A record of the proceeding is also made by audio and/or videotape.

The jury panel is present.

The jury is instructed by the Court as to the law applicable to this cause.

FILED: Aggravating Circumstances Instructions

Counsel for both parties waive opening statements.

State's case:

Jo Hedges is sworn and testifies.

The witness is excused.

Christopher Moring is sworn and testifies.

The witness is excused.

John Moring is sworn and testifies.

The witness is excused.

Janette Hembd, having been previously sworn, resumes the stand and continues to testify.

The witness is excused.

State rests.

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Defendant rests.

Closing arguments.

12:07 p.m. The jury retires in charge of the sworn bailiff to consider their verdicts.
Court remains in session.

Court and counsel discuss matters.

12:11 p.m. Court stands at recess.

2:03 p.m. Court reconvenes with respective counsel and defendant present.

Court Reporter, Scott Coniam, is present.

A record of the proceeding is also made by audio and/or videotape.

The jury is all present in the jury box and, by their Foreperson, return into Court their verdicts, which are read and recorded by the Clerk and are as follows:

We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, unanimously find, beyond a reasonable doubt, the following additional circumstance as checked below:

As to Count 1, Second Degree Murder: The offense involved the infliction or threatened infliction of serious physical injury - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

As to Count 1, Second Degree Murder: The offense involved the use, threatened use or possession of a deadly weapon or dangerous instrument during the commission of the crime, specifically, a bat - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

As to Count 1, Second Degree Murder: The defendant committed the offense in an especially heinous, cruel or depraved manner - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

As to Count 1, Second Degree Murder: The offense caused physical, emotional or financial harm to the victim or, if the victim died as a result of the conduct of the defendant, caused emotional or financial harm to the victim's immediate family - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

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As to Count 1, Second Degree Murder: The offense involved lying in wait for the victim or ambushing the victim during the commission of any felony, specifically, Murder - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

As to Count 3, Kidnapping, as to Janette Hembd: The offense involved the infliction or threatened infliction of serious physical injury - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

As to Count 3, Kidnapping, as to Janette Hembd: The offense involved the use, threatened use or possession of a deadly weapon or dangerous instrument during the commission of the crime, specifically, a bat - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

As to Count 3, Kidnapping, as to Janette Hembd: The offense caused physical, emotional or financial harm to the victim or, if the victim died as a result of the conduct of the defendant, caused emotional or financial harm to the victim's immediate family - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

As to Count 3, Kidnapping, as to Janette Hembd: The offense was a domestic violence offense committed in the presence of a child - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

As to Count 7, Disorderly Conduct, as to Janette Hembd: The offense involved the infliction or threatened infliction of serious physical injury - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

As to Count 7, Disorderly Conduct, as to Janette Hembd: The offense involved the use, threatened use or possession of a deadly weapon or dangerous instrument during the commission of the crime, specifically, a bat - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

As to Count 7, Disorderly Conduct, as to Janette Hembd: The offense caused physical, emotional or financial harm to the victim or, if the victim died as a result of the conduct of the defendant, caused emotional or financial harm to the victim's immediate family - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

As to Count 7, Disorderly Conduct, as to Janette Hembd: The offense involved lying in wait for the victim or ambushing the victim during the commission of any felony, specifically, Disorderly Conduct - UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.

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The jurors reply that these are their true verdicts.

The jury is polled. Each juror replies that these are his/her true verdicts.

FILED: Verdicts

2:11 p.m. The jury is thanked by the Court and excused from further consideration of this cause. Court remains in session.

IT IS ORDERED setting time for **Sentencing on 04/17/2015 at 1:30 p.m. (2 hours allotted)** before this division.

IT IS FURTHER ORDERED that the Adult Probation Office shall conduct a presentence investigation and submit a report to this division prior to Sentencing.

ISSUED: Request for Presentence Report

IT IS FURTHER ORDERED, pursuant to Rule 7.2(c), the defendant shall be held non-bondable and shall not be released on bail or own recognizance.

ISSUED: Order of Confinement

FILED: Exhibit Worksheet; Exhibit Tracking Log; Trial Worksheet; Jury List

2:13 p.m. Trial concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.